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10/804,504	03/19/2004	Rolf Dietrich	178.0059	7675

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EXAMINER

BELLINGER, JASON R

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,504

Applicant(s)

DIETRICH, ROLF

Examiner

Jason R Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "comprises", "means", and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: Lines 9-14 of page 1 should be removed from the specification, due to the fact that the subject matter therein is not needed.
-

In lines 23 and 25-26 of page 3, it is suggested that the numerals "17" and 14" prior to the term "gauge" should be replaced with the terms --seventeen-- and --fourteen--, respectively, to prevent confusion with the reference characters that indicate elements of the invention.

Line 24 of page 5 through line 2 of page 6 is a copy of claim 9. Lines 3-10 of page 6 are a copy of claim 1. The claims should not be relied upon to describe the invention, and therefore the aforementioned sections of the specification should be removed.

Appropriate correction is required.

Claim Objections

3. Claims 1, 2, and 9 are objected to because of the following informalities: A colon (:) should be inserted after the term "comprising" in line 1, 4, and 1, respectively.

Appropriate correction is required.

The phrase "and toward the second end from" in line 4 of claim 1 and line 5 of claim 9 should be replaced with the phrase --and extends towards the second end--. The phrase "the given area" should be replaced with the phrase --the given cross-sectional area of the first segment-- in line 5 of claim 1. These suggested corrections would better, and more clearly, define the invention.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "thereof" in line 3.

Claim 9 is indefinite due to the fact that it is unclear what is actually being claimed in lines 24-27 by the phrase "being subject to...or both".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoler in view of Yamada. Stoler shows a spoke 1 for a tensioned spoke wheel, wherein the spoke 1 includes a shaft having first and second ends. A first segment (3-4) of the shaft is adjacent to the first end, and a second segment 2 of the shaft is adjacent to the first segment (3-4), and also extends towards the second end of the shaft. The first segment includes a threaded portion 4 and an unthreaded portion 3 adjacent to the threaded portion, and located between the threaded portion 4 and the second end of the shaft.

The cross-section of the spoke 1 is generally circular. The spoke 1 further includes a third segment 5, located between the second segment 2 and the second end of the spoke. The third segment 5 has a cross-sectional area greater than that of the second segment 2.

While not specifically stated, it is well known in the art that the major diameter of the threaded portion 4 of the first segment may be greater than the diameter of the unthreaded portion 3 of the first segment, dependent upon the method in which the thread is formed. For example, cold rolling the thread would cause the major diameter

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of the threaded portion top have a larger diameter than the unthreaded portion, due to the fact that no material is removed when forming the threads.

Both the first (3-4) and second 2 segments of the spoke shaft have given cross-sectional areas, wherein the cross-sectional area of the second segment 2 is less than the cross-sectional area of the first segment (3-4) of the spoke shaft.

The cross-section of the second segment 2 of the spoke 1 is sufficiently small that it is subject to rotation when tension is applied by a spoke nipple or nut attached to the threaded portion 4 of the spoke 1.

Stoler does not show the unthreaded portion of the spokes being shaped to form at least two, opposed torque-transmitting surfaces. Yamada teaches the use of a spoke 13a having the surface 14a of a part of the unthreaded end of a first segment shaped to form at least two opposed, flat, torque-transmitting surfaces 15. The opposed flat surface 15 of the first segment of the spoke shaft is formed by pressing the surface between a pair of parallel tool surfaces to permanently deform the unthreaded portion into the two torque transmitting surfaces.

Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the unthreaded portion of the first segment of the spokes of Stoler with a pair of opposed torque-transmitting surfaces as taught by Yamada for the purpose of providing an easily located surface of attaching a tool, thus simplifying the process of tensioning the spokes when attached to a wheel.

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Stoler as modified by Yamada shows a spoke where the unthreaded portion 3, which includes the two, opposed torque-transmitting surfaces 15, has a sufficiently large cross-section and the shaped portion 15 is sufficiently close to the threaded portion 4 that preventing rotation of the shaped portion 15 of the first segment (3-4) prevents rotation of the spoke with a spoke nipple.

Response to Arguments

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the ground(s) of rejection set forth above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show spokes having torque-transmitting surfaces located near the threaded end of the spoke. For example, Schlanger shows a spoke of the type described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
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jrb



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